

IN THE SUPREME COURT OF FLORIDA

CASE No. SC03-1846

INQUIRY CONCERNING A JUDGE NO. 02-466

JOHN K. RENKE III

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COMBINED

MOTION FOR LEAVE TO SUBMIT BRIEF AMICUS CURIAE  
ATTACHED

AND

BRIEF AMICUS CURIAE RESPECTFULLY REQUESTING THIS  
COURT TO OVERTURN THE JQC'S FINDING OF JUDGE RENKE'S  
GUILT AS TO COUNT 8

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FILED  
THOMAS D. HALL

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CLERK, SUPREME COURT

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## SUMMARY OF PETITION AND PROPOSED ACTION BY COURT

The purpose of the proposed Brief Amicus Curiae is to respectfully recommend that the Court overrule the JQC's finding of guilt on Count 8 against Judge Renke, on the grounds that the JQC proceedings on Count 8 violated the due process and privacy rights of both the judge and John Renke II, and the allegations were not proved by clear and convincing evidence.

## STATEMENT OF AMICUS CURIAE

Pursuant to Rule 9.370 of the Fla. Rules of App. Proc., this brief is respectfully submitted by John Renke II, acting as his own counsel, who requests leave to file the accompanying brief amicus curiae in support of the position of Respondent Judge Renke. Petitioner JQC does not consent to the filing of this brief and Respondent Judge Renke neither objects nor consents to the filing of this brief. Consistent with Fla. Rule App. Proc. 9.370, Amicus has filed a motion accompanying this brief seeking leave from this Court to file.

## MOTION

John Renke II was the employer of Judge Renke from 1995 to 2002, before Judge Renke's election as circuit court judge.

In 2002, John Renke II as employer made payments of compensation for work performed to Judge Renke. Judge Renke then

utilized this income from employment paid by John Renke II to help fund his successful campaign for circuit judge. The JQC alleged and found in Count 8 that John Renke II's payment of compensation to Judge Renke was an improper campaign contribution.

John Renke II can assist this Court in its decision whether to approve or disapprove the JQC's findings and recommendations by demonstrating in this amicus curiae brief that the Count 8 allegation and JQC finding that John Renke II made, and Judge Renke received, an improper contribution violated due process and privacy rights, and was not proved by clear and convincing evidence. The Court should therefore disapprove the JQC's finding of Judge Renke's guilt on Count 8, and hold him not guilty.

The JQC has publicly accused John Renke II and found him guilty of making an improper contribution under Florida Statute §106.08(1) and (5) in its Count 8 against Judge Renke without affording him a meaningful opportunity to defend himself. The JQC's statements and actions in the proceedings against Judge Renke have violated his rights to privacy, due process under the federal and state constitutions. John Renke II seeks to make the Court aware of significant problems inherent in the current rules and procedures of the JQC, which violations of the constitutional rights of

the unwilling participants and besmirch the reputation of the judiciary by bringing, prosecuting and finding judges guilty of serious charges without valid probable cause being proved.

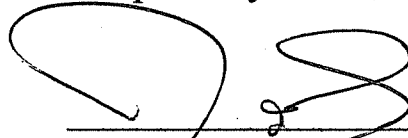
The allegations of Count 8, and the inherent accusation that John Renke II had violated Florida Statutes §106.08(1) and (5), were first made public in the JQC's Motion for Leave to Amend. Judge Renke objected to the JQC's Motion for Leave to Amend and requested a full probable cause hearing before the Investigative Panel on Count 8, but his objection and request were denied. John Renke II suffered additional handicaps in that he was not the subject of the proceedings, and was afforded no right before or during the proceedings to view or hear the evidence against him, to confront adverse witnesses, to be represented by counsel, to present arguments to the panel, or be present during the hearing.

John Renke II was effectively publicly accused of violating the law by the JQC, and publicly found guilty of this violation, without protections that should have been his according to his constitutional rights to privacy and the due process of law. The current rules and procedures of the JQC allowed these violations of the rights of John Renke II, and this infirmity undermines the integrity of the process and must be addressed and cured.

The JQC's guilty finding on Count 8 must be overturned by this Court because the Count 8 charge and the resulting proceedings: were not based on a legitimate finding of probable cause; failed to comply with due process requirements; and violated the constitutional rights of Judge Renke and other unwilling participants such as John Renke II.

Further, the panel's finding that Judge Renke was guilty of count 8 because John Renke II made an improper contribution to his campaign was not supported by clear and convincing evidence.

Respectfully submitted,



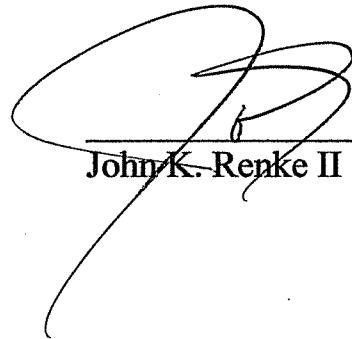
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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of February, 2006, the original of the foregoing MOTION FOR LEAVE TO SUBMIT BRIEF AMICUS CURIAE CONTAINED HEREIN AND BRIEF AMICUS CURIAE RESPECTFULLY REQUESTING THIS COURT TO OVERTURN THE JQC'S FINDING OF JUDGE RENKE'S GUILT AS TO COUNT 8 has been furnished by electronic transmission via [e-file@flcourts.org](mailto:file@flcourts.org) and furnished by U. S. Mail to: Honorable *Thomas D. Hall*, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-19 27; and true and correct copies have been furnished by U.S. Mail to *Scott K. Tozian*, Esquire, Smith, Tozian & Hinkle, 109 North Brush Street, Suite 200, Tampa, Florida 33602; *Marvin E. Barkin*, Esquire,

and *Michael K. Green*, Esquire, Special Counsel, 2700 Bank of America Plaza, 101 East Kennedy Boulevard, P.O. Box 1102, Tampa, Florida 33601-1102 and *John R. Beranek*, Esq., Counsel to the Hearing Panel, P.O. Box 391, Tallahassee, Florida 32302



John K. Renke II